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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

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Application Number: 09/665,846

Filing Date: September 20, 2000

Appellant(s): RUSSELL ET AL.

GROUP 3600

Michael Chan
Reg. No. 33,663
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03 October 2007 appealing from the Office action mailed 07 May 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214.

Claim 27, Garner teaches a method of operating an encoding workstation of an image-based item processing system to process physical document items which are contained in a number of document trays without using a group of physical tracer document items in the document trays, the method comprising the steps of:

determining whether a group of physical tracer document items is included in a tray of physical document items (column 2, line 33 thru column 3, line 47);

associating a unique group of non-physical, logical tracer document items with the tray of physical document items when a determination is made that a group of physical tracer document items is not included in a try of physical document items (column 4, lines 15 thru column 5, line 13);

assigning a logical pocket number to each non-physical, logical tracer document item in the unique group of non-physical logical tracer document items (column 4, lines 15 thru column 5, line 13);

for each non-physical, logical tracer document item, encoding a physical blank document item with information associated with the particular non-physical, logical tracer document item (column 4, lines 15 thru column 5, line 13); and

for each encoded item, routing the encoded physical document item to a physical pocket which has been assigned the logical pocket number (column 4, lines 15 thru column 5, line 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214 in view of Foley U.S. Patent 6,381,342.

Regarding claim 25, Garner teaches a method of operating a distributed image capture proof-of-deposit system having a central processing site and a number of branches connected via a network with central processing site, the method comprising:

Capturing at a branch images of physical document times without use of a group of physical tracer document items (column 3, lines 8-27);
transferring the captured images of physical document items from the branch via the network to the central processing site without use of a group of physical tracer document items (column 3, line 60 thru column 4, line 14);
receiving at the central processing site the images transferred from the branch(column 3, line 60 thru column 4, line 14);
assigning a batch slip to all batches of documents (column 2, lines 39-47);
creating a group of logical tracer document items based upon encoded data (column 4, lines 15-65); and
associating the group of logical tracer document items with all batches of document items received from the branch during so as to allow further downstream processing of the batches of documents at a later time (column 3, line 60 thru column 4, line 15).
Garner fails to teach that the assigned batch slip is a unique entry number. Foley teaches a method for reading and sorting documents in which batch headers contain unique numbers and they are logically sorted in part based on the batch headers (column 4, lines 45-65). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Garner and include the teachings of Foley because it provides for greater association between the batches of documents when processing checks.

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellant and addresses them individually.

A. Rejection of claim 27 under 35 U.S.C. 102(e) as being anticipated by Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214.

1. Regarding independent claim 27, Appellant argues that the cited prior art fails to disclose *determining whether a group of physical tracer document items is included in a tray of physical document items* and *associating a unique group of non-physical, logical tracer document items with the tray of physical document items when a determination is made that a group of physical tracer document items is not included in a try of physical document items.*" (See Appeal Brief, pages 4-6).

In Response: The Examiner respectfully disagrees with the Appellant. Appellant first argues that the preamble of the instant application processes physical document items which are contained in a number of document trays, without using a group of physical tracer document items in the document trays. Therefore, the first limitation follows for *determining whether a group of physical tracer document items is included in a tray of physical document items.* Garner discloses this step. Garner discloses the use of tracer groups and tracer group slips (column 2, lines 55-59). After processing begins, Garner discloses determining whether a group of physical tracer document items is included in a tray of physical document items (column 3, lines 16-47; Examiner notes that the document processor reads the first group of tracer slips, thus determining whether they are included).

Appellant next argues that Garner fails to disclose *associating a unique group of non-physical, logical tracer document items with the tray of physical document items when a determination is made that a group of physical tracer document items is not included in a try of physical document items.* The Examiner respectfully disagrees. Garner teaches various processing methods using logical document items in which a tracer document item is not determined/considered. Garner teaches that the determining/considerations of groups of tracer items is done in the check imaging system (Figure 1; column 3, lines 33-47). However there are times when the document is processed directly to system reject pockets or alternate reject pocket without a group of physical tracer documents based on any entry such as the prime pass entry, which occur before the consideration of the group of physical tracer documents and (Figure 3 and column 2, line 66 thru column 3, line 7 and column 4, lines 48-65). Further, an entry can also combine several tracer groups (column 2, lines 58-60), thus items can be routed to the pockets when the entry comprising several tracer groups cannot be read properly. Next, Garner discloses that items routed to pocket-1, are processed with non-physical, logical tracer document items with the tray of physical document items (column 6, lines 1-55; Examiner notes that Garner performs logic processing in the image repair client). Specifically, Garner teaches assigning logical tracer items at least the association of the recaptured codeline data and the image of the inserted item with the corresponding prime pass sequence number that an inserted item follows and then processing continues (column 6, lines 45-56).

For these reasons, Appellant's arguments are not persuasive. Garner discloses *determining whether a group of physical tracer document items is included in a tray of physical document items*" and "*associating a unique group of non-physical, logical tracer document*

items with the tray of physical document items when a determination is made that a group of physical tracer document items is not included in a try of physical document items” and thus claim 27 stands rejected.

2. Appellant has asked for explanation of why Garner would even have a need to create a group of logical tracers when physical tracer documents that constitute a tracer group are already present in Garner. In Response: Examiner first points out that Appellant’s claim 27 does not recite “creating” a group of logical tracers. Nonetheless, as discussed above, Garner uses logic processing when events cause items to be routed to the different rejected pockets, one of such events can be associated with the group of physical tracers as well as prime pass sequence which occurs before the reading of physical tracers.

B. Rejection of claim 25 under 35 U.S.C. § 103(a) over Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214 in view of Foley U.S. Patent 6,381,342.

3. Regarding independent claim 25, Appellant argues that Garner fails to teach *capturing at a branch images of physical document items without the use of a group of physical tracer document items*” (Appeal Brief; pages 6-7).

In Response: The Examiner respectfully disagrees with the Appellant. Examiner first notes that when this limitation is given its broadest reasonable interpretation, all that is required by the claim is to capture at a branch images of physical documents “without the use” of a group of physical tracer document items. Therefore, images that are scanned directly in, without any reading of the image is done without the use of a group of physical tracer document items.

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Garner discloses a document processor and check imaging system for processing the documents (column 3, lines 8-27). Within the check imaging is a conventional imaging controller that allows for capture of the document image (column 4, lines 21-37). The system merely takes a digitized image of the document and stores the image (column 4, lines 21-37). Therefore the image is captured without the use of a group of physical tracer document items. Only the processing of the captured image looks to the group of physical tracer document items.

Even if it were required that no physical tracer document item be present, Garner discloses processing the images when an entry, such as tracer groups are rejected and thus routed to a pocket. Thereafter, logical processing occurs as discussed above without the physical tracers.

For these reasons, Appellant's arguments are not persuasive. Garner teaches *capturing at a branch images of physical document items without the use of a group of physical tracer document items* and thus claim 25 stand rejected.

4. Appellant has asked for explanation of why Garner would even have a need to create a group of logical tracers when physical tracer documents that constitute a tracer group are already present in Garner. In Response: As discussed above, Garner uses logic processing when events cause items to be routed to the different rejected pockets, one of such events can be associated with the group of physical tracers as well as prime pass sequence which occurs before the reading of physical tracers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Stefano Karmis
Art Unit 3693
18 December 2007



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